

DISTRICT OF WEST KELOWNA

BYLAW NO. 0098

A BYLAW TO AUTHORIZE THE ESTABLISHMENT OF AN ADVISORY PLANNING COMMISSION

WHEREAS Section 898 of the *Local Government Act* provides that the Council of the District of West Kelowna may, by bylaw, establish an Advisory Planning Commission;

THEREFORE BE IT RESOLVED that the Council of the District of West Kelowna in open meeting assembled, hereby ENACTS AS FOLLOWS:

1.0 Title

This Bylaw may be cited for all purposes as the “DISTRICT OF WEST KELOWNA ADVISORY PLANNING COMMISSION 2009 NO. 0098”.

2.0 Definitions

“COMMISSION”	means the Advisory Planning Commission established by this Bylaw.
“COUNCIL”	means the Municipal Council of the District of West Kelowna.
“MEMBER”	means a regular member or an alternate member of the Commission, or both, as context requires.
“OCP”	means the Westside Official Community Plan Bylaw No. 1050 as amended or replaced from time to time.
“ZONING BYLAW”	means the Regional District of Central Okanagan Zoning Bylaw No. 871, as amended or replaced from time to time.

3.0 Establishment

3.1 There is hereby established an Advisory Planning Commission, pursuant to Section 898 of the *Local Government Act*, which shall be known as the “District of West Kelowna Advisory Planning Commission”.

4.0 Role of the Commission

4.1 The role of the Commission is to advise Council on matters respecting land use, community planning, or proposed bylaws and certain permits under Divisions 2, 7,

and 9 of Part 26 of the *Local Government Act*, and for this purpose, Council may refer matters to the Commission by resolution or bylaw.

4.2 The Development Services Department may refer the following matters to the Commission for review:

- a) OCP amendments.
- b) Zoning Bylaw amendment applications, excluding rezoning applications to add an “s” designation for a secondary suite.
- c) Temporary Commercial or Industrial Use Permit applications
- d) Any request which may be referred to it by Municipal Council.

5.0 Membership of Commission

5.1 The Commission shall be comprised of five (5) to seven (7) regular members and two (2) alternate members, appointed by Council resolution.

5.2 The District will strive to achieve representation from all parts of the District of West Kelowna. Areas of interest and expertise that will be sought from the following:

- a) the education sector;
- b) environmental matters;
- c) the land development industry;
- d) the local business community;
- e) representative of youth in the community;
- f) representative of the community’s aging population;
- g) the second home owners within the boundaries of the Municipality;
- h) the local tourism industry; and,
- i) representative of the community-at-large.

5.3 In accordance with the *Local Government Act*, at least 2/3 of the membership (5 members) shall be residents of the District of West Kelowna.

5.4 Council may revoke the appointment of any Member of the Commission at any time by a vote of two-thirds of Council.

6.0 Remuneration

6.1 In accordance with the *Local Government Act*, Members must serve without remuneration; however, they may be reimbursed for expenses they incur while engaged in their Commission duties.

6.2 Council will provide funds for the routine operation of the Commission and the budget allocation will be within the Committee Expense Budget.

7.0 Appointment Process and Term

7.1 Appointments to the Commission shall be by resolution of Council.

7.2 Appointments are for a three (3) year term, with a maximum continuous tenure of two (2) full three (3) year terms.

- 7.3 The first term of the Commission is to expire on December 31, 2012. All following terms will be for a full calendar three (3) year term ending December 31st.
- 7.4 Upon expiry of a Member's term of appointment, the Member may be re-appointed for another term by Council if eligible. If a Member has served the maximum tenure permitted, Council shall appoint a replacement.
- 7.5 Members who have served the maximum tenure permitted are subject to a mandatory one (1) year absence from the Commission prior to seeking re-appointment for any subsequent term.

8.0 Vacancies

- 8.1 The Council, may, at any time, terminate the appointment of a Member for cause.
- 8.2 In the event that a regular member is unable to attend a meeting of the Commission, an alternate member may be called upon to attend in his or her place.
- 8.3 In the event a regular Member fails to attend three (3) consecutive regular meetings of the Commission, the Member's seat shall be deemed to be vacant unless they have been excused by resolution of the Commission.
- 8.4 A Member of the Commission may resign at any time upon sending written notice to the Development Services Department.
- 8.5 Whenever a vacancy arises on the Commission, Council may appoint a person to fill the vacancy for the balance of the term.

9.0 Commission Meeting Procedures

- 9.1 The provisions of District of West Kelowna Council Procedure Bylaw 2007 No. 0001 will govern the meetings of the Commission.
- 9.2 Meetings of the Commission shall take place on a monthly basis, as required to accomplish the business of the Commission.
- 9.3 The Members shall elect a Chairperson at the first meeting of each calendar year; in the absence of the Chairperson at any particular meeting, Members may appoint an Acting Chairperson.
- 9.4 The Chairperson of the Commission shall be responsible for the execution of documents on behalf of the Commission, including the signing of minutes.
- 9.5 At its first meeting after its establishment, the Commission must establish a regular schedule of meetings.
- 9.6 A special meeting of the Commission may be called by the Chairperson or three (3) Members of the Commission who submit their request in writing to the recording secretary.

10.0 Attendance of the Public at Commission Meetings:

- 10.1 Unless otherwise authorized pursuant to Section 242 of the *Local Government Act*, all meetings of the Commission must be open to the public.

10.2 A Commission meeting or part of a Commission meeting may be closed to the public if the subject matter being considered relates to one or more of the matters referred to in Section 242 of the *Local Government Act*.

10.3 When the Commission is considering an amendment to a plan or bylaw, or the issuance of a permit, the applicant for the amendment or permit is entitled to attend the meeting and to be heard.

10.4 All persons wishing to speak at a meeting of the Commission must have the permission of the Chairperson, and all persons in attendance shall maintain order and quiet and not applause or otherwise interrupt any speech or action of the assembly. Public addressing the Commission will be given a limitation of ten minutes to make their presentation.

11.0 Notice of Meeting

11.1 After the Commission has established the regular schedule of meetings, including date and place of the meetings, notice of the schedule must be given by:

- a) Providing a copy of the schedule to each Member of the Commission;
- b) Posting a copy of the schedule at the applicable Public Notice Posting Place and the District website.

12.0 Staff Support for the Commission

12.1 The Corporate Services Department will coordinate the process for new appointments including advertising for applicants, review of applications, and bringing appointment recommendations to Council for approval.

12.2 The Development Services Department will provide administrative and technical support for the Commission. Typical support functions will include:

- a) Organizing and preparing meeting agendas;
- b) Distributing the agenda, forwarding referral packages to Commission Members, posting notices of meetings at the District office and contacting applicants;
- c) Presenting technical information to the Commission relevant to the development application, plan, policy or bylaw.
- d) Taking and preparing draft minutes, and providing final minutes to Commission Members and staff;
- e) Receiving all correspondence and preparing reports on behalf of the Commission;
- f) Maintaining a list of outstanding issues for Commission action;
- g) Assisting the Commission with special projects such as tours, educational materials and workshops.

13.0 Minutes

13.1 The District shall supply a recording secretary for the Commission who shall be responsible for the preparation of the minutes of the meetings of the Commission.

- 13.2 Minutes of the Commission shall be signed by the Chairperson or Acting Chairperson presiding at the meeting.
- 13.3 Minutes and all of the documents considered by the Commission shall be available for public inspection at the District offices during normal business hours. This does not apply to the minutes of that portion of a meeting which has been closed to the public pursuant to section 242.2 of the *Local Government Act*.
- 13.4 The original copy of the minutes, including minutes of a closed portion of a meeting of the Commission, shall be forwarded to the City Clerk for safekeeping.
- 13.5 Applicants of matters considered by the Commission shall be notified in writing of the decision of the Commission within ten working days of the Commission meeting. The notification shall include the recommendation adopted by resolution of the Commission.
- 13.6 The Commission minutes will be forwarded to Council by way of Commission Report on a monthly basis and District staff will incorporate the APC recommendations as part of the Staff Report to Council on the applicable development proposal, plan, bylaw or policy.

14.0 Conflict of Interest

- 14.1 The District of West Kelowna Conflict of Interest Guidelines for Council Appointees will apply to all Members of the Commission.
- 14.2 If a Member attending a meeting of the Commission considers that he or she is not entitled to participate in the discussion of a matter or to vote on a question in respect of a matter because the Member has a direct or indirect pecuniary interest in the matter or for any other reason, the Member must declare this and state the general nature of why the Member considers this to be the case.

15.0 Conduct of Members

- 15.1 Members should be careful when speaking in public or to the media and should always regard themselves as being regarded by the public as Members of the Commission.
- 15.2 Commission Members are given the opportunity to influence zoning bylaw and OCP amendments through the process statutorily provided for by the *Local Government Act*. Accordingly, it is inappropriate for Members to speak to the issues at subsequent Council Public Hearings in their capacity as Members of the public.

16.0 Miscellaneous

- 16.1 A decision of Council by resolution or bylaw on any matter respecting land use, community planning or proposed bylaws and permits under divisions 2, 7 and 9 of Part 26 of the *Local Government Act* that has been referred to the Commission by the Council shall not be rendered invalid by reason of non-compliance by the Commission with the provisions of this bylaw.

16.2 Any enactment referred to herein is a reference to an enactment of the Province of British Columbia and the regulations thereto, as amended, revised, consolidated, or replaced from time to time, and any bylaw referred to herein is a reference to an enactment of Council, as amended, revised, consolidated, or replaced from time to time.

PASSED FIRST READING 2009-NOV-10

PASSED SECOND READING 2009-NOV-10

PASSED THIRD READING 2009-NOV-10

ADOPTED 2009-NOV-24

MAYOR

DIRECTOR CORPORATE
SERVICES